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10/605,928	11/06/2003	Douglas A. Bulleit	030308/BLL-0105	2927

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EXAMINER

SAINT CYR, JEAN D

ART UNIT	PAPER NUMBER
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2609

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/605,928

Applicant(s)

BULLEIT ET AL.

Examiner

Jean D. Saintcyr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-19, filed 11/06/2003, are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,3,4,17,18,19 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhou et al, US No. 20020144279.

Re claim 1, Zhou et al teach a content source (see fig.4, element 30, content provider); a plurality of consumer networks (see fig.2, element 10, customers; a plurality of customers, line 3, 0025) including a controller (see fig.4, element 220, controller; a controller is coupled to the various components of the brokering apparatus, lines 1-2,0033) and a consumer storage device (see fig.4, element 250, database memory, database memory may be used to store customer data, lines4-5, 0032); a distribution network coupling said content source to said controller of said consumer networks(see fig.4, element 240, transmission apparatus), said distribution network including network storage devices(see fig.4, element 260, video storage media; video storage media may be used to record live television programming or other regularly scheduled programming, lines 7-9,0026) and network processors(processor, line 4,0033); a grid computing platform including said controllers, said network processors, said consumer storage devices and said network storage devices, said grid computing platform providing storage of said content across network storage devices and consumer storage

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devices and distribution of said content to one or more of said consumer networks(see fig.4, the controller may comprise any suitable computer, CPU, processor or other similar device, lines 3-5,0033).

Re claim 3, Zhou et al disclose wherein: said grid computing platform encodes content prior to said distribution of said content to one said consumer networks (see fig.5, element 380, encryption device; encryption device encrypts the customs channel signal prior to transmission to customers, lines 3-4,0035).

Re claim 4, Zhou et disclose one of said consumer networks specifies a quality of service, delivery of said content being billed in response to said quality of service (quality of the programming, line 12, 0019; the customer pays to the primary provider a periodic subscription fee corresponding to the selected service level).

Re claim 17, Zhou et al disclose said distribution network includes at least one of DSL, cable and wireless networks (the transmission apparatus may comprise a cable distribution system, satellite, fiber, lines15-21, 0019).

Re claim 18, Zhou et disclose said content is associated with a content profile and said consumer network is associated with a consumer profile, said content being distributed to said consumer network in response to said content profile and said consumer profile (a user access code may be assigned specified access level that denies access to certain types of program, lines 1-16, 0031; that means users get access to the contents according to their profile).

Re claim 19, Zhou et said consumer network includes a device for displaying said content, said content being distributed to said consumer network in response to said content profile, said consumer profile and said device profile (a customer will have a television or other viewing device for receiving and viewing the television programming; a decryption device for decrypting any encrypted video signal, lines 1-5, 0020; that means users are able to view content according to their stored profile).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 5-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhou et al in view of Kenner et al, US Patent No. 5956716.

Re claim 2, Zhou et al fail to disclose wherein: said grid computing platform compresses content prior to said distribution of said content to one of said consumer networks.

In an analogous art, Kenner et al disclose wherein said grid computing platform compresses content prior to said distribution of said content to one of said consumer networks (video boards and systems of this kind can employ compression protocols, such as "MPEG" 1 and 2, and motion "JPEG" to store and transmit video data in a highly compressed state, col.6, lines 7-11).

In view of the teaching of Kenner, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein said grid computing platform compresses content prior to said distribution of said content to one of said consumer networks into the system of Zhou. With such modification, the storage capacity and transmission time needed to work with the video will be reduced and congestion will be limited in the system.

Re claim 5, Zhou et al fail to disclose said distribution of said content includes distributing content from a first consumer network to a second consumer network.

In an analogous art, Kenner et al disclose said distribution of said content includes distributing content from a first consumer network to a second consumer network (video material stored locally can be requested and retrieved at a user's multimedia terminal, col.1, lines 9-11; that means a consumer can video content from another consumer when that video content is stored locally).

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In view of the teaching of Kenner, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement said distribution of said content includes distributing content from a first consumer network to a second consumer network into the system of Zhou. With such extra option, the time to access data in the system will be reduced and the bandwidth will be used for other transactions.

Re claim 6, Zhou et al fail to teach said distribution of said content includes delivering a first portion of said content from a first content source, delivering a second portion of said content from a second content source, and assembling said first portion and said second portion at a first consumer network.

In an analogous art, Kenner et al teach said distribution of said content includes delivering a first portion of said content from a first content source, delivering a second portion of said content from a second content source, and assembling said first portion and said second portion at a first consumer network. (see fig.4, the DSI can be loading segment concurrently from separate SRUs in preparation for download to the user terminal, col.32, lines 48-50; that means video content was collected from two different sources).

In view of the teaching of Kenner, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement said distribution of said content includes delivering a first portion of said content from a first content source, delivering a second portion of said content from a second content source, and assembling said first portion and said second portion at a first consumer network into the system of Zhou. With such modification, users will have the opportunity to select only a segment of a video clip or the entire version of a video clip because the video was stored at different location.

Re claim 7, Zhou et al fail to display said first content source is said network storage device and said second content source is a second consumer network.

In an analogous art, Kenner et teach said first content source is said network storage device and said second content source is a second consumer network (see fig.1, local SRU and Remote SRU; that means the remote SRU is a network device and the local SRU is storage of the consumer network).

In view of the teaching of Kenner, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement said first content source is said

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network storage device and said second content source is a second consumer network into the system of Zhou. With such modification, users will have opportunity to get access to video content by using two different of storage.

Re claim 8, Zhou et al fail to teach wherein said first portion is video and said second portion is video.

In an analogous art, Kenner et al disclose wherein said first portion is video and said second portion is video (segmented clips are stored as stored separately accessible records, col.6, lines 33-34; that means both segments of the clip are video).

In view of the teaching of Kenner, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein said first portion is video and said second portion is video into the system of Zhou. With such modification, users will have opportunity to combine two segments of video to get the full video.

Re claim 9, Zhou et al fail to teach said first portion is even video frames and said second portion is odd video frames.

In an analogous art, Kenner et al disclose said first portion is even video frames and said second portion is odd video frames (content provider can tie additional information to frames of a clip, col.32, lines 51-53; including predefined codes associated with a particular frames, col.33, lines 1-2; that means the predefined code could be even code or odd code associated to video frames).

In view of the teaching of Kenner, it would have been obvious to implement even video frames and odd video frames into the system of Zhou. With such extra option, it will become easier for users to establish the difference between the first portion and the second portion of a video clip.

Re claim 10, Zhou et al fail to teach said distribution of said content includes delivering a first portion of said content prior to viewing said content and streaming a second portion of said content in real time when said content is viewed.

In an analogous art, Kenner et al disclose said distribution of said content includes delivering a first portion of said content prior to viewing said content and streaming a second portion of said content in real time when said content is viewed (it is preferable the

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communication interface between DSI and local SRU be at least 56 KBAUD to support the "real time" video, col.18, lines 4-7).

In view of the teaching of Kenner, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement said distribution of said content includes delivering a first portion of said content prior to viewing said content and streaming a second portion of said content in real time when said content is viewed into the system of Zhou. Such modification will give opportunity to users to previously download the video part of clip and stream the audio part during the real schedule.

Re claim 11, Zhou et al fail to teach wherein said second portion of said content is audio.

In an analogous art, Kenner et al disclose wherein said second portion of said content is audio (audio-only, col.35, line 3).

In view of the teaching of Kenner, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein said second portion of said content is audio into the system of Zhou. With such modification, users will have the opportunity to separate the video component from the audio component.

Re claim 12, Zhou et al fail to teach said second portion of said content is a component of a video signal.

In an analogous art, Kenner et al teach said second portion of said content is a component of a video signal (audio stream, col.32, line 11).

In view of the teaching of Kenner, it would have been obvious for any person in the art at that the invention was made to know that the audio part is composite of video signal.

Re claim 13, Zhou et al fail to disclose wherein said distribution of said content is performed in response to distribution network performance.

In an analogous art, Kenner et al disclose wherein said distribution of said content is performed in response to distribution network performance (optimize performance, col.30, line 2).

In view of the teaching of Kenner, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein said distribution of said content is performed in response to distribution network performance into the

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system of Zhou. With such modification, users will have the opportunity to get access to data faster and congestion in the bandwidth will reduce too.

Re claim 14, Zhou et al fail to teach wherein said distribution network performance is determined based on bandwidth to one of said consumer networks.

In an analogous art, Kenner et al teach wherein said distribution network performance is determined based on bandwidth to one of said consumer networks (to reduce bandwidth need, col.25, lines 41-48).

In view of the teaching of Kenner, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein said distribution network performance is determined based on bandwidth to one of said consumer networks into the system of Zhou. With such modification, Users will have the opportunity to have quick access to data in the system whenever there is no congestion in the bandwidth.

Re claim 15, Zhou et al fail to teach wherein content is delivered prior to viewing or for real time viewing in response to said bandwidth to one of said consumer networks.

In an analogous art, Kenner et al disclose wherein content is delivered prior to viewing or for real time viewing in response to said bandwidth to one of said consumer networks (real time video, col.18, lines 6-7).

In view of the teaching of Kenner, it would have obvious for any person of ordinary skill at that time the invention was made to implement wherein content is delivered prior to viewing or for real time viewing in response to said bandwidth to one of said consumer networks into the system of Zhou. With such modification, users will have the opportunity to have content delivered prior to viewing or for real time according to the state of the bandwidth of their system.

Re claim 16, Zhou et al fail to teach the number of active content delivery sessions to one of said consumer networks is determined based on said bandwidth.

In an analogous art, Kenner et al disclose the number of active content delivery sessions to one of said consumer networks is determined based on said bandwidth (to reduce bandwidth need, multiple requests for the same video can be queued by DSI for short period of time, col.25, lines 41-43).

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In view of the teaching of the teaching of Kenner, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement the number of active content delivery sessions to one of said consumer networks is determined based on said bandwidth. With such modification, users will have the opportunity to know that they will be able to receive more contents from the system whenever there is less congestion in the bandwidth.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US. No. 6799221 (System And Method For Server-Side Optimization Of Data Delivery On A Distributed Computer Network, Kenner et al), this system uses a smart mirroring system to improve network performance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST. If attempts to reach the examiner by telephone are not successful, his supervisor, Marvin Lateef, can be reach on 571-272-5026. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199(IN USA OR CANADA) or 571-272-1000.

Jean Duclos Saintcyr

09/04 2007

Marvin Lateef / Tuan Ho

Supervisor Patent Examiner/ TA



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